

C-A OPERATIONS PROCEDURES MANUAL

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Revision 00
January 9, 2004

1.19 Procedure for Determining Applicability and Obtaining a Permit to Perform Work that Impacts the Exterior of the RHIC

Note:

This procedure and any revisions shall be sent to the Plant Engineering Division Manager, Engineering and Construction Services Manager, and the F&O ESH Training and Quality Manager, because Plant Engineering has responsibility related to this O.P.M.

1. Purpose

This procedure describes the review, preparation, submittal and approval process in obtaining New York State Department of Environmental Conservation permits for performing any work at RHIC that impacts the exterior of the RHIC facility.

Under the Wild Scenic and Recreational Rivers Act, and under the Freshwater Wetlands Act, the New York State Department of Environmental Conservation (NYSDEC) administers permit programs regulating activities in wild, scenic and recreational rivers, freshwater wetlands, and their adjacent areas. The NYSDEC requires a permit for almost any activity, which will alter wetlands or the adjacent areas. Due to the proximity of the headwaters of the Peconic River, almost all new construction and construction modifications to the exterior of RHIC requires a NYSDEC permit. The RHIC area falls under the scenic portion of the Wild, Scenic, and Recreational Rivers Act, and under the wetlands portion of the Freshwater Wetlands Act. These acts are applicable to RHIC because the New York State Department of Environmental Conservation has deemed that the area has sensitive habitats covered in the acts. As a scenic river, any activities as described below that fall within one half mile of the riverbank requires a permit. As a wetland, any activities as described below that are within 100 feet of wetlands require a permit. Attachment I outlines the boundaries for the Wetlands Act and the Wild, Scenic, and Recreational Rivers Act. Some activities requiring a permit are: construction of buildings, roadways, septic systems, bulkheads, dikes, or dams; placement of fill, excavation, or grading; modification, expansion, or extensive restoration of existing structures; drainage, except for agriculture; and application of pesticides in wetlands.

2. Responsibilities

2.1 The C-A Physicists, C-A Engineers, or BNL Plant Engineering personnel proposing the modification are responsible for:

- Notifying the C-A Department Environmental Compliance Representative of the planned work and providing sufficient detail of the modification so that an initial review for permit applicability can be performed.
- Providing a statement of the scope of work and associated engineering drawings for submittal if a permit is required to perform the operation.

- Ensuring that no work is performed until permit approval is secured from the New York State Department of Environmental Conservation.
 - Ensuring that the activity is covered under an existing Environmental Assessment, or that a new National Environmental Policy Act (NEPA) review has been performed and approval has been obtained.
- 2.2 The C-A Environmental Compliance Representative, in conjunction with the Environmental & Waste Management Services Division subject matter expert, is responsible for:
- An initial review for permit applicability.
 - Preparing the formal application that is submitted to the New York State Department of Environmental Conservation.
 - Maintaining a copy of the application and approval correspondence with the NYSDEC.
- 2.3 The Environmental & Waste Management System Division is responsible for:
- Transmitting the application to the Department of Energy's Brookhaven Area Office (DOE-BAO).
 - Publication of a Notice of Complete Application in the legal ads of a local newspaper.
- 2.4 The Department of Energy's Brookhaven Area Office is responsible for transmitting the application to the New York State Department of Environmental Conservation.

3. Prerequisites

A copy of National Environmental Policy Act (NEPA) approval for the work should be on file with the cognizant C-A Physicist, C-A Engineer or BNL Plant Engineering personnel. This approval process can happen prior to permit application or simultaneously to the start of the NYSDEC permit application process.

4. Precautions

All work that involves a modification to the exterior of the RHIC facility shall be submitted for an initial review for applicability. Under no circumstance can work commence without a permit or a letter of exemption from the permitting process as this will result in a work stoppage and potential legal action and fines being levied against the laboratory.

Any change in the scope of work, affecting the exterior of the RHIC facility, must be resubmitted to the NYSDEC in the form of an amended permit request.

5. Procedure

5.1 RHIC Facility Work Planning and Review Process

- 5.1.1 The C-A Physicists, C-A Engineers, and Plant Engineering personnel should begin the work planning process approximately five months prior to the time that the work must be performed. The permit process takes approximately four months from the time of submittal to the time of issuance.
- 5.1.2 Contact the C-A Environmental Compliance Representative (ECR) and submit a proposed scope and drawings, if available, of the work that is to be performed.
- 5.1.3 Begin the National Environmental Policy Act (NEPA) approval process. Consult the ECR for assistance with this process.
- 5.1.4 The ECR will review the proposal with the Environmental Subject Matter Expert (SME) and make an initial determination on applicability. This may require a visit to the area by the cognizant individual, the ECR and the SME.
- 5.1.5 If it is determined that a permit is not required a memo confirming that fact will be generated by the ECR.

5.2 RHIC Facility Permit Application Process

- 5.2.1 If it is determined that a permit is required to perform the work at RHIC then the cognizant physicist, engineer or Plant Engineering project manager shall generate the following and forward them to the C-A Environmental Compliance Representative:
 - A narrative that describes the proposed scope of work. This narrative can also be used, in most cases, for the NEPA Review.
 - Appropriate engineering drawings that show the project plans.
 - An engineering drawing that highlights the wetlands boundary areas in relation to the area in which the work will occur.
- 5.2.2 The C-A Environmental Compliance Representative will complete the New York State Joint Application For Permit, the Short Environmental Assessment Form, the Full Environmental Assessment Form, the Application Supplement For Wild, Scenic, and Recreational Rivers System Permit, and/or the Application Supplement For Freshwater Wetlands Permit.
- 5.2.3 The C-A Environmental Compliance Representative, as part of the application process will provide a picture of the construction site, a picture from the construction site to the Peconic River and a picture from the Peconic River back to the construction site.

- 5.2.4 The C-A Environmental Compliance Representative will compile the items listed in this section and generate a transmittal memo to the DOE-BAO. Once the memo is signed, six copies of the permitting package will be made and forwarded to the DOE-BAO for approval and forwarding to the NYSDEC.
- 5.2.5 Once the application is received by the NYSDEC it will be reviewed for completeness. If complete a memo will be received from the DEC advising BNL that the permit package is complete, along with this memo will be a Notice of Complete Application, and their review will commence. Upon receipt of Notice of Complete Application the Environmental & Waste Management Services Division (EWMSD) will publish the notice as specified in the NYSDEC memo. The EWMSD will require formal Proof of Publication from the newspaper and will forward the Proof of Publication to the NYSDEC.
- 5.2.6 Upon receipt of the Proof of Publication, after the public comment period has passed, and upon the completion of their review of the application a formal permit approval will be granted, granted with condition(s), exempted, or denied. This review process may include a visit to the proposed construction site by the NYSDEC.
- 5.2.7 Upon receipt of formal permit approval the work may commence. Approval will include a permit that shall be displayed at the construction site for the duration of the construction. It should be noted that permit approvals are in force for a period of five years.
- 5.2.8 Upon completion of all work the cognizant physicist, engineer or Plant Engineering project manager shall notify the C-A ECR who will notify the appropriate EWMS Division personnel and the NYSDEC. The NYSDEC may visit the construction site to verify that completion is within the scope of the permit application.

6. Documentation

- 6.1 Permit Submittal Package – maintained by the EWMS Division
- 6.2 Permit – to be displayed at the construction site for the duration of the construction

7. References

- 7.1 Wild, Scenic and Recreational Rivers Act
- 7.2 Freshwater Wetlands Act

8. Attachments

- 8.1 Attachment I: Map of Affected Wetlands and Scenic River Corridor Collider Accelerator Department

Attachment 8.1

